

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

ASHINC Corporation, *et al.*,

Debtors.

Chapter 11

Case No. 12-11564 (MFW)  
(Jointly Administered)

CATHERINE E. YOUNGMAN, LITIGATION TRUSTEE  
FOR ASHINC CORPORATION, ET. AL., AS  
SUCCESSOR TO THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS OF ASHINC  
CORPORATION, AND ITS AFFILIATED DEBTORS

Appellant-Plaintiff,

BDCM OPPORTUNITY FUND II, LP, BLACK  
DIAMOND CLO 2005-1 LTD., and SPECTRUM  
INVESTMENT PARTNERS, L.P.,

Intervenors,

v.

YUCAIPA AMERICAN ALLIANCE FUND I, L.P., and  
YUCAIPA AMERICAN ALLIANCE (PARALLEL) FUND  
I, L.P.,

Appellees-Defendants.

Adv. Proc. No. 13-50530  
(MFW)

Civ. No. 1:22-cv-00634 (CFC)

CATHERINE E. YOUNGMAN, LITIGATION TRUSTEE  
FOR ASHINC CORPORATION, ET AL., AS SUCCESSOR  
TO BDCM OPPORTUNITY FUND II, LP, BLACK  
DIAMOND CLO 2005-1 LTD., SPECTRUM  
INVESTMENT PARTNERS, L.P., BLACK DIAMOND  
COMMERCIAL FINANCE, L.L.C., as co-administrative  
agent, and SPECTRUM COMMERCIAL FINANCE LLC,  
as co-administrative agent,

Appellant-Plaintiff,

Adv. Proc. No. 14-50971  
(MFW)

Civ. No. 1:22-cv-00635 (CFC)

v.

YUCAIPA AMERICAN ALLIANCE FUND I, L.P., and  
YUCAIPA AMERICAN ALLIANCE (PARALLEL) FUND  
I, L.P.,

Appellees-Defendants.

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and Rule 8023 of the Federal Rules of Bankruptcy Procedure, Appellant-Plaintiff Catherine E. Youngman, as Litigation Trustee for ASHINC Corporation and related debtors, and Appellees-Defendants Yucaipa American Alliance Fund I, L.P. and Yucaipa American Alliance (Parallel) Fund I, L.P., hereby stipulate and agree that the above-captioned appeal be dismissed in its entirety with prejudice with each party bearing its own costs, fees and expenses.

*[Signature Page Follows]*

Dated: August 10, 2023  
Wilmington, Delaware

**STIPULATED AND AGREED:**

**FOX ROTHSCHILD LLP**

/s/ Seth A. Niederman  
Seth A. Niederman (DE Bar No. 4588) Citizens  
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-and-

**JOSEPH HAGE AARONSON LLC**

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-and-

**ZAIGER LLC**

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*Counsel for the Trustee*

**PACHULSKI STANG ZIEHL & JONES LLP**

/s/ Laura Davis Jones  
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**GLASER WEIL FINK HOWARD AVCHEN  
& SHAPIRO LLP**


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*Counsel for Yucaipa American Alliance Fund  
I, L.P. and Yucaipa American Alliance  
(Parallel) Fund I, L.P.*

Agreed to By Intervenor:


INTERVENOR: BDCM OPPORTUNITY FUND II, LP

BY: BDCM Opportunity Fund II Adviser, L.L.C., its Investment Manager

By:   
Name: Stephen H. Deckoff  
Title: Managing Principal

INTERVENOR: BLACK DIAMOND CLO 2005-1 LTD.

BY: Black Diamond Credit Strategies Fund Ltd.,  
as assignee from Black Diamond CLO 2005-1 Adviser, L.L.C., its Collateral Manager

By:   
Name: Stephen H. Deckoff  
Title: Managing Principal

INTERVENOR: SPECTRUM INVESTMENT PARTNERS, L.P.

BY: Spectrum Group Management LLC, as Investment Manager

By: \_\_\_\_\_  
Name: Jeffrey A. Schaffer  
Title: Managing Member

Agreed to By Intervenor:

INTERVENOR: BDCM OPPORTUNITY FUND II, LP

BY: BDCM Opportunity Fund II Adviser, L.L.C., its Investment Manager

By: \_\_\_\_\_

Name: Stephen H. Deckoff

Title: Managing Principal

INTERVENOR: BLACK DIAMOND CLO 2005-1 LTD.

BY: Black Diamond Credit Strategies Fund Ltd.,

as assignee from Black Diamond CLO 2005-1 Adviser, L.L.C., its Collateral Manager

By: \_\_\_\_\_

Name: Stephen H. Deckoff

Title: Managing Principal

INTERVENOR: SPECTRUM INVESTMENT PARTNERS, L.P.

BY: Spectrum Group Management LLC, as Investment Manager

By: \_\_\_\_\_

DocuSigned by:

*Jeffrey A. Schaffer*

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Name: Jeffrey A. Schaffer

Title: Managing Member